

CFR 3

**IN THE HIGH COURT OF JUDICATURE OF
CHHATTISGARH AT BILASPUR**

Contempt No. 149 /2004

Single Bench

**APPLICANT/
PETITIONER**

Pawan Kumar Chaurasiya, S/o.
Shri Bans Gopal Chaurasiya,
aged about 21 years, R/o. E-1/2
Nehru Chowk Bilaspur [C.G.]

VERSUS

CONTEMNOR

NON APPLICANT

1. B. Shankar, Principal, Govt.
Dental College, Raipur (C.G.)
2. Dr. R.M.Zade, Dean,
Chhattisgarh Dental College &
Research Institute, Sundra,
Rajnandgaon (C.G.)
3. Nemi Parakh, Vice President,
Chhattisgarh Dental College &
Research Institute, Sundra,
Rajnandgaon (C.G.)

*2753104
Presented by Shri. Mukesh Chaurasiya
dated 06.12.2004*

**CONTEMPT PETITION U/A 215 OF CONSTITUTION OF INDIA
READ WITH SEC. 12 & 15 OF CONTEMPT OF COURT ACT FOR
INITIATING CONTEMPT PROCEEDING AGAINST THE
RESPONDENTS FOR VIOLATING THE ORDER DTD. 3.11.2004
PASSED IN W.P. NO. 3754/2004. (PAWAN KUMAR
CHAURASIYA VS. STATE OF C.G. & OTHERS).**

मामला क्रमांक Cont. Pet. No. 149/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<u>6-1-2005</u> On a mention being made, the case is taken up for hearing. Shri Pravin Das, counsel for the petitioner. Shri Prashant Mishra, counsel for the respondents 2 and 3. Heard learned counsel for the parties. The petitioner has preferred this petition under Article 215 of the Constitution of India read with Sections 12 & 15 of the Contempt of Court Act for initiating contempt proceedings against the respondents for violation of the Court's order dated 3-11-2004. The petition of the petitioner is that vide order dated 3-11-2004 this Court directed the Dental College, Raipur to consider the case of the petitioner for admission in the Dental College, Raipur and at least 7 days' time was allowed to produce original testimonials. On 8-11-2004 the petitioner appeared before the Dean, Dental College, Raipur and submitted the letter in pursuance of the Court's order dated 3-11-2004, but respondent No.1 refused to give admission to the petitioner saying that unless he gets permission from the M.C.I., Delhi, he will not be given admission. Even respondent No.3 was made aware of the Court's order and a letter was given to him for returning the original testimonials. After receiving the said letter and copy of the order dated 3-11-2004, respondents 2 and 3 have refused ~~to give original documents to the petitioner until he pays fees for four~~	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक

सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	years course. The act of respondents 2 and 3 leads to non-compliance of the order passed by this Court which would amount to deliberate and willful contempt of the order passed by this Court. Reply has been filed on behalf of respondents 2 and 3 in which it has been mentioned that there is no specific order of the Court directing them to return original testimonials. Even otherwise, at the time of admission as per the prospectus and undertaking given by the petitioner herein it was made clear to him that if after admission is given to the petitioner he will seek cancellation of the admission for any reason, then according to the rules and regulations prevailing documents will be returned. As per the undertaking given by the petitioner and as per the rules published in the prospectus of Dental College, Rajnandgaon, respondent No.2, they are entitled for full fees of the course. The original documents cannot be returned unless the petitioner pays that fee. They are not legally bound to return the documents. In the light of submission made by respective counsel and pleading of the parties, I have perused the order dated 3-11-2004 passed in writ petition No.3754/2004. Perusal of the same reveals that no specific direction was given to respondents 2 and 3 for returning the original documents to the petitioner. Even otherwise, as per the rules of respondent Dental College and undertaking given by	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक

सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	the petitioner himself, the petitioner is not entitled for the original documents unless he deposits entire course fees and even that provision has not been challenged so far. In the circumstances, I am of the considered opinion that in this case the petitioner has failed to make out a case for initiating the contempt proceeding and to punish the respondents 2 & 3 for violation of the Court's order dated 3-11-2004, therefore, the petition is liable to be dismissed and it is accordingly dismissed.	Sd/- L.C.BHADOO Judge

Barve